

REMARKS

Claims 1-6, 15-15, 17-18, 25-26, and 32-38 are now pending in the application. Claims 7-13, 16, 19-24, and 27-30 are cancelled by this amendment. Claims 32-38 are added by this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-6, 14, 15, 17, 18, 25 and 26 stand rejected under 35 U.S.C. 102(b) as being anticipated by DE 3903438 A1. This rejection is respectfully traversed.

The Applicant's representative thanks the Examiner for the interview of June 16, 2005 during which the claims as amended were discussed and agreed to be in allowable form in light of the cited art. In this regard DE 3903438 A1 does not teach or fairly suggest the claims as amended.

DE 3903438 A1, or any of the other cited art, does not teach or fairly suggest at least the following recitation from Claims 1 and 17, "a proximal portion of said member extending between a first end and a second end, wherein the proximal portion is straight between the first end and the second end". DE 3903438 A1, or any of the other cited art, alone or in combination, does not teach or fairly suggest at least the following recitation from the new Claim 32, "the lateral surface is adapted to engage at least a portion of a lateral surface of the intramedullary canal and the medial surface is adapted to engage at least a portion of a medial surface of the intramedullary canal a distance from the portion of the intramedullary canal engaged by the lateral surface".


Therefore each of the presently pending claims are in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: June 17, 2005

By: 
Richard W. Warner
Reg. No. 38,043

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

RWW/MLT